

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BERT MEYER, ) CIVIL NO. 04-00049 HG/BMK  
Plaintiff, ) (In Admiralty)  
vs. )  
MATSON NAVIGATION COMPANY, )  
INC., )  
Defendant. )

DEPOSITION OF BERT MEYER

Taken on behalf of the Defendant MATSON NAVIGATION  
COMPANY, INC., at the law offices of Goodsill,  
Anderson, Quinn & Stifel, 1099 Alakea Street, 1800  
Ali'i Place, Honolulu, Hawaii 96813, commencing at  
9:50 a.m., on Tuesday, August 31, 2004, pursuant to  
Notice.

BEFORE: MYRLA R. SEGAWA, CSR No. 397  
Notary Public, State of Hawaii

EXHIBIT

"C"

1 APPEARANCES:

2  
3 For Plaintiff BERT METER:

4 PRESTON EASLEY, ESQ.  
5 2500 Via Cabrillo Marina, Suite 106  
6 San Pedro, California 90731-7724

7 For Defendant MATSON NAVIGATION COMPANY, INC.:

8 JOHN R. LACY, ESQ.  
9 Goodsill, Anderson, Quinn  
& Stifel  
10 1800 Alii Place  
11 1099 Alakea Street  
Honolulu, Hawaii 96813

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1 A Yes.

2 Q And how were you able to tell that it was  
3 feces?

4 A The smell.

5 Q Well, is there generally a smell in that  
6 area while the pens are on the ship?

7 A Yes.

8 Q So even if there was nothing on the deck,  
9 you would still have that smell, would you not?

10 A Yes.

11 Q So when you say by the smell, how do you  
12 distinguish the smell that's usually there with the  
13 pens versus some things dripping off the grate?

14 A I put my clothes to my nose, and I sniffed  
15 it.

16 Q So you actually smelled some of the liquid?

17 A Yes.

18 Q To your knowledge, have any of the  
19 longshoremen ever refused to work in the area because  
20 it was dirty because of feces or urine?

21 A No.

22 Q Did you ever -- I don't want to use the  
23 word threaten -- did you ever tell anyone from Matson  
24 Terminals that you wouldn't work in the area until it  
25 was cleaned up?

1 A No.

2 Q Did you consider doing that?

3 A No, because I thought I would be written  
4 up.

5 Q Written up for what?

6 A Refusing to work.

7 Q Did you talk to anyone at the union about  
8 whether you had to work on those conditions?

9 A No.

10 Q What about someone at McCabe, did you speak  
11 with anyone at McCabe if you had to work in those  
12 conditions?

13 A Not that I can recall.

14 Q In connection with this material that was  
15 dripping on you, would you consider it to be a safety  
16 hazard?

17 A Yes.

18 Q And had you learned from your work with the  
19 other longshoremen that if there was a safety hazard  
20 that you did not have to work in the area that you  
21 could, in fact, hold off working until it was  
22 corrected?

23 A No, I wasn't aware. Could you define  
24 safety as I'm talking about health like I'm always  
25 worried about the feces getting on me and getting

C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS:  
CITY AND COUNTY OF HONOLULU )

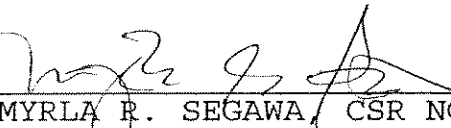
I, MYRLA R. SEGAWA, Notary Public, State of  
Hawaii, do hereby certify:

That on Tuesday, August 31, 2004, at  
9:50 a.m., appeared before me BERT MEYER, the witness  
whose deposition is contained herein; that prior to  
being examined he was by me duly sworn;

That the deposition was taken down by me in  
machine shorthand and was thereafter reduced to  
typewriting under my supervision; that the foregoing  
represents, to the best of my ability, a true and  
correct transcript of the proceedings had in the  
foregoing matter.

I further certify that I am not an attorney  
for any of the parties hereto, nor in any way  
concerned with the cause.

DATED this 13th day of September, 2004, in  
Honolulu, Hawaii.

  
MYRLA R. SEGAWA, CSR NO. 397  
Notary Public, State of Hawaii  
My Commission Exp: 1-27-2005